



Docket No.: 360842009710
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Daisuke YAHATA et al.

Application No.: 10/815,769

Confirmation No.: 9944

Filed: April 2, 2004

Art Unit: 1771

For: ALIPHATIC POLYESTER MULTI-FILAMENT
CRIMP YARN FOR A CARPET, AND
PRODUCTION METHOD THEREOF

Examiner: Cheryl Ann Juska

DECLARATION OF MR. TAKEHIKO MIYOSHI

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Takehiko Miyoshi, declare that I reside at Tokyo, Japan, and that I am one of the inventors named in the above-identified U.S. Patent Application.

2. I have reviewed the pending action mailed December 15, 2006. I have also reviewed and am familiar with the English abstract of Japanese Publication No. 2002-180340 (hereinafter JP '340), which is a cited reference in the outstanding office action.

3. I am one of the named inventors listed on JP '340. The English language abstract of this publication includes a translation error that incorrectly identifies me as Takehiko Mitsuyoshi.

4. The named inventors of this application are the same as the inventors named in JP '340. Accordingly, since JP '340 and the instant application were invented by the same inventive entity, JP '340 is not an invention "by others" under 35 USC 102(a). Further, the filing date of the Japanese patent application is evidence of a date of the invention that is earlier than the date that this Japanese

patent application published. Accordingly, JP '340 is not a valid prior art reference under 35 USC 102(a).

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Tokyo Japan, this Thursday of May 17, 2007.

Date: May 17

Takehiko Miyoshi
Takehiko MIYOSHI, Co-inventor